

1
2
3
4



Honorable Laurel E. Davis
United States Bankruptcy Judge



5 Entered on Docket
January 14, 2016

6
7

8 **Marquis Aurbach Coffing**
Terry A. Moore, Esq.
9 Nevada Bar No. 7831
10 10001 Park Run Drive
Las Vegas, Nevada 89145
Telephone: (702) 382-0711
11 Facsimile: (702) 382-5816
tmoore@maclaw.com

12 Attorneys for Creditor William Croft

13 **UNITED STATES BANKRUPTCY COURT**
14 **FOR THE DISTRICT OF NEVADA**

15 In Re:

16 MONIQUE RASHAY BROWN,

17 Debtor.

Case No.: 16-10050-LED
Chapter: 7

Hearing Date: January 12, 2016
Hearing Time: 11:00 a.m.

18
19 **ORDER ON CREDITOR'S MOTION TO DISMISS OR ALTERNATIVELY FOR AN**
ORDER GRANTING FOR RELIEF FROM AUTOMATIC STAY AND FOR
SANCTIONS AGAINST DEBTOR

20 Creditor, William Croft, by and through his attorney Terry A. Moore, Esq., of the law
21 firm Marquis Aurbach Coffing, having filed his Motion for an Order Dismissing Debtor's
22 Petition Pursuant to 11 U.S.C. § 707(B) or Alternatively Granting Relief from the Automatic
23 Stay Pursuant to 11 U.S.C. §362(D)(4), Waiver of the 14-Day Stay Under FRBP 4001(A)(3), and
24 for Sanctions Against Debtor ("Motion"); this matter having come on for hearing on the 12th day
25 of January, 2016 at 11:00 a.m.; Terry A. Moore, Esq. appearing on behalf of Creditor and no
26 other parties appearing including Monique Rashay Brown, Debtor; Shelley D. Krohn, Trustee for
27 Case No.: 15-16063-LED; and Leonard E. Schwartzer, Trustee for Case No.: 16-10050-ABL; the
28

1 Court having heard this matter on an Order Shortening Time [Dkt. No. 11]; this Court satisfied
2 that notice to all parties, and the United States Trustees was sufficient and proper; and for good
3 cause appearing;

4 **IT IS HEREBY ORDERED** that the Motion is GRANTED in part and DENIED in part;

5 **IT IS FURTHER ORDERED** that the request to lift the Automatic Stay with respect to
6 the property located at 2275 S. Pioneer Way, Las Vegas, Nevada 89117 ("Property") is
7 GRANTED *in rem* pursuant to 11 U.S.C. § 364(d)(4) and therefore the Property is no longer
8 subject to the protections of the Automatic Stay in this Bankruptcy proceeding or in any future
9 Bankruptcy proceeding filed by the Debtor;

10 **IT IS FURTHER ORDERED** that Court hereby waives the 14-day stay of this Order as
11 provided for in FRBP 4001(a)(3) and therefore this Order shall be effective upon the Court's
12 entry of this Order;

13 **IT IS FURTHER ORDERED** that the request to dismiss the bankruptcy case is
14 DENIED without prejudice;

15 **IT IS FURTHER ORDERED** that the Court reserves the right to enter an Order on the
16 request for sanctions, upon Creditor's counsel filing a supplemental brief adequately showing the
17 Court that the request for sanctions is proper.

18 **IT IS SO ORDERED.**

19 Respectfully submitted by:

20 MARQUIS AURBACH COFFING

21 By /s/ Terry A. Moore

22 Terry A. Moore, Esq.
Nevada Bar No. 7831
10001 Park Run Drive
23 Las Vegas, Nevada 89145
24 Attorney(s) for Creditor William Croft

25 # # #
26
27
28

LR 9021 CERTIFICATION

In accordance with LR 9021, counsel submitting this document certifies that the order accurately reflects the court's ruling and that (check one):

- The court has waived the requirement set forth in LR 9021(b)(1).

- No party appeared at the hearing or filed an objection to the motion.

I have delivered a copy of this proposed order to all counsel who appeared at the hearing, and any unrepresented parties who appeared at the hearing, and each has approved or disapproved the order, or failed to respond, as indicated below:

- I certify that this is a case under Chapter 7 or 13, that I have served a copy of this order with the motion pursuant to LR 9014(g), and that no party has objected to the form or content of the order.

I declare under penalty of perjury that the foregoing is true and correct.

MARQUIS AURBACH COFFING

By /s/ Terry A. Moore
Terry A. Moore, Esq.
Nevada Bar No. 7831
10001 Park Run Drive
Las Vegas, Nevada 89145
Attorneys for Creditor William Croft